

STATE OF ILLINOIS)  
 ) SS:  
COUNTY OF COOK)

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION V



IN THE MATTER OF:

NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM  
PERMIT NO. IN 0000281

ISSUED TO:

CASE NO. NPDES-V-027 (AH)

UNITED STATES STEEL CORPORATION  
Gary Works  
Gary, Indiana

(No. 76-1616, U. S. Court  
of Appeals, Seventh Circuit)

U. S. Steel Corporation,

Permittee.

## PETITION FOR "CLARIFICATION" OR MODIFICATION

Now comes Permittee, United States Steel Corporation, by its attorneys Jay A. Lipe, James T. Harrington, and Rooks, Pitts, Fullagar and Poust, and pursuant to the Order of the United States Court of Appeals for the Seventh Circuit dated August 3, 1976, petitions the U. S. Environmental Protection Agency or the Indiana Stream Pollution Control Board, or both, for a "clarification" or modification of the NPDES permit with respect to those terms and conditions otherwise immediately or imminently effective, without prejudice to Permittee's

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rights on appeal from the decision of the Administrator on the terms of the permit. In support of the Petition, Permittee states:

1. Permittee, United States Steel Corporation, is the recipient of NPDES Permit No. IN 0000281, originally issued on October 31, 1974, and modified following an Adjudicatory Hearing and re-issued on June 25, 1976.

2. Said Permit as re-issued on June 25, 1976, does not conform to the decision of the Regional Administrator issued following the Adjudicatory Hearing and affirmed by the Administrator of the U. S. Environmental Protection Agency on June 24, 1976, and does not conform to the agreements entered into between the parties during the course of the proceedings. Furthermore, said Permit issued on June 25, 1976, did not make adjustments for the lapse of time during the pendency of the hearing, particularly in the compliance schedules and requirements to file certain documents, and did not take into account evidence introduced during the Adjudicatory Hearing and otherwise contains obsolete schedules, inconsistent Agency action, and terms and conditions with which it is impossible or impracticable to comply.

3. Permittee, without prejudice to any argument or issue raised in its appeal before the U. S. Court of Appeals for the Seventh

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Circuit and reserving all said arguments and objections, requests that the NPDES Permit issued June 25, 1976 be modified in accordance with this request and the Order of the U. S. Court of Appeals for the Seventh Circuit.

4. Permittee requests that paragraph 6 on page 2 of 57 be modified by striking the reference to EPA Form No. 3320-1 and substituting therefore reference to "Indiana State Board of Health Reporting Form," and Permittee further requests that the date of "April 28, 1976" be deleted and the date of August 28, 1976, be substituted therefore. In support of this request, Permittee states that the parties have agreed and stipulated during the course of the prehearing proceedings and subsequently to the submission of one report as provided for in the Initial Decision of the Regional Administrator and that such report should be on the Indiana State Board of Health form, and in further support of said request Permittee points out that the date of April 28, 1976, precedes the issuance date of the June 25, 1976 permit and falls during a period when the Permit was stayed as a matter of law.

5. Permittee requests that paragraph 29.A.1., 2 and 3 on page 7 of 57 of the Permit be deleted on the grounds that the parties agreed to the deletion of these requirements during the course of the Adjudicatory Hearing, and on the further grounds that the Regional



Administrator found in accordance with said agreement that only one report would be required to be submitted on the Indiana State Board of Health form to the State of Indiana and that said report should be submitted on the 28th day of the following month.

6. Permittee requests that requirements of paragraph 29.B. (Intake Studies) on page 8 of 57 be deleted in accordance with its objections in its Request for Adjudicatory Hearing and during the adjudicatory hearing and on the appeal of this matter. In the alternative, Permittee requests that the first sentence of paragraph 29.B. on page 8 be clarified or modified to state: "Within thirty (30) days of the final date of adjudication and final decision on all appeals of this permit but in no event sooner than ninety (90) days after the date of this clarification or modification, the Permittee shall submit to the Regional Administrator and the Indiana Stream Pollution Control Board for approval the design for an intake monitoring program to document the effect of the present intake on the various species and life stages of fish," and Permittee further requests that the first sentence of the second paragraph of paragraph 29.B on page 8 be clarified or modified to read as follows: "The Permittee shall submit a final report to the Regional Administrator and the Indiana Stream Pollution Control Board no later than fifteen (15) months after commencement of this study providing proposals for measures to be taken by the Permittee

to meet the requirements of Section 316(b) of the Act or the best cooling-water intake technology available." In support thereof Permittee states that said requirement is without any basis in law or fact as set forth in its Request for Adjudicatory Hearing, evidence at the Adjudicatory Hearing and on appeal, and furthermore, the dates contained in said request are arbitrary and unreasonable in view of the June 25, 1976, date of the Permit, and the December 31, 1976 date is impossible to comply with in that the requirement is for a study of one year and insufficient time remains to complete said study.

7. Permittee requests clarification of the term "ammonia" on all the pages 12 through 51 where said term appears, on the ground that it is Permittee's understanding that said term refers to "ammonia nitrogen" but that Permittee believes that it is entitled to be informed with certainty of the requirements of the Permit. In further support thereof, Permittee states that it is the understanding of all parties during the course of the Adjudicatory Hearing the term "ammonia" in the Permit referred to ammonia nitrogen, and all testimony was directed to monitoring and limitations for ammonia nitrogen and not to "ammonia."

8. Permittee further requests that on all pages 12 through 51 of the Permit where the Permit provides for one grab sample in 24 hours for the monitoring of oil and grease, that said requirement

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be clarified in accordance with the understanding of the parties to provide for three grab samples in 24 hours. In support of said requirement, Permittee states that said clarification is in accordance with the understanding of the parties at prehearing conferences and provides more adequate and more accurate monitoring than that provided for in the Permit.

9. Permittee requests clarification of the requirement on page 12 of 57 for monitoring temperature at Outfall GW-1 where it requires "continuous measurement recorded" in that it was the understanding of the parties and of Permittee that a single measurement would be acceptable in this outfall and Permittee has proceeded on that basis.

10. Permittee requests that the reference to "thermal limitations" on page 13 and other pages of the permit be clarified by a correct reference to the page of the permit.

11. Permittee requests clarification or modification on page 16 of 57 with reference to the suspended solids limitations for Outfall 010 (GW-3) to provide limitations of 34 mg/l daily average and 63 mg/l daily maximum on the grounds that the present limitations represent an unreasonable likelihood of violation and that it is impossible to immediately impose additional controls upon this outfall purportedly called for by the permit.



12. Permittee requests clarification or modification on page 18 of 57 of the Permit with reference to suspended solids limitations for Outfall 015 (GW-4) to provide limitations of 34 mg/l daily average and a daily maximum limitation of 61 mg/l on the grounds that the present limitations represent an unreasonable likelihood of violation and that it is impossible to immediately impose additional controls upon this outfall as purportedly called for by the permit.

13. Permittee asks clarification or modification of page 20 of 57 of the Permit with reference to Outfall 017 (GW-5) by modifying the limitations as follows:

"Suspended Solids	16,700 lbs/daily av.	27,200 daily maximum
Ammonia	8.2 mg/l daily av.	11.3 mg/l daily max.
Cyanide	8.9 mg/l daily av.	12.5 mg/l daily max.
Phenol	0.48 mg/l daily av.	0.74 mg/l daily max."

In support of the foregoing, Permittee states that an analysis of the current data establishes that the initial limitations for suspended solids may be modified downward in accordance with this request as well as the daily maximum limitations for ammonia, cyanide, and phenol. However, the same data that indicate the daily average limitations for ammonia and phenol must be modified upwards to allow for the normal operation of these facilities.

14. Permittee requests the clarification or modification of page 25 of 57 of the Permit with respect to Outfall 019 (GW-7) to provide for daily average limitations of 25 mg/l suspended solids and daily maximum limitations of 45 mg/l suspended solids. In support of said request Permittee states that the present limitations would not allow for the continued operation of this outfall.

15. Permittee requests modification of page 35 of 57 of the Permit with respect to suspended solids limitations for Outfall 032 (GW-13) to provide for daily average limitations of 20 mg/l suspended solids and a daily maximum limitation of 35 mg/l suspended solids on the grounds that the present limitations do not provide for the continued operation of this outfall.

16. Permittee requests the modification of page 41 of 57 with reference to monitoring of flow at Outfall GW-L-1 to provide for a "weekly-calculated flow" based on a continuous flow measurement from Outfall No. 13 Blast Furnace and a calculation from the pumphouse.

17. Permittee requests the clarification or modification of page 43 of 57 related to suspended solids effluent limitations for Outfall 036 (GW-L-1A) to provide limitations of 26 mg/l daily average suspended solids and 79 mg/l daily maximum suspended solids on the grounds that the present limitations represent an unreasonable likelihood of violation and that it is impossible to immediately impose



additional controls upon this outfall purportedly called for by the permit.

18. Permittee requests the clarification or modification of page 52 of 57 by deleting the requirement for continuous measurement of pH "Unit Recorded" and substituting therefore a daily 24 hour composite measurement of pH. In support of said request, Permittee states that there is no device that it has been able to locate capable of providing a continuous unit recorded measurement of pH on the flow to the deep well which consists of spent pickle liquor, also known as spent acid.

19. Permittee requests modification or clarification of page 53 of 57, paragraph 30 (Thermal Discharge Demonstration) by deletion of the requirement that said study be submitted no later than March 31, 1977, and by providing said study shall commence 60 days after a final adverse ruling upon Permittee's appeal or, in the alternative, that said provision allow a reasonable time for completion of said study commencing a reasonable time after the modification or clarification of the Permit is requested.

20. Permittee requests the clarification or modification of the schedules of compliance set forth in paragraph 30 on pages 55 of 57 and 56 of 57 by the deletion thereof in accordance with its evidence at the Adjudicatory Hearing or, without prejudicing its rights, by

modifying said schedule to provide a reasonable time for compliance after the date of said modification.

21. Permittee requests the clarification or modification of the "Schedule of Compliance," paragraph 30.1.E. (Well Disposal) contained on page 57 of 57 of the Permit by deletion thereof, or in the alternative, but without waiving any rights on appeal, by establishing of a reasonable schedule for compliance, taking into account the lapse of time during which the Permit was stayed pursuant to 40 C.F.R. Part 133, the Order of the Regional Administrator, and the Order of the U. S. Court of Appeals for the Seventh Circuit.

22. Permittee requests that said clarification or modification be promptly acted upon by the U. S. Environmental Protection Agency or the State of Indiana or both as appropriate, and that said clarification or modification be promptly issued as prayed for herein.

UNITED STATES STEEL CORPORATION

By

  
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on the 1<sup>st</sup> day of September, 1976.

Marjorie Goelz

SUBSCRIBED and SWORN TO

before me this 1<sup>st</sup> day of  
September, 1976.

Camille Kaszmarek  
NOTARY PUBLIC

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